

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ASHER BRONSTIN, individually and
on behalf of all other similarly situated,

Plaintiff,

v.

VIASAT, INC.,

Defendant.

Civil Action No. 1:25-cv-00927-KMN
(Hon. Keli M. Neary)

**DEFENDANT’S MOTION TO DISMISS
PLAINTIFF’S FIRST AMENDED COMPLAINT**

Defendant Viasat Inc. (“Viasat”) hereby respectfully moves to dismiss the “First Amended Class Action Complaint” (*see* Dkt. 21) filed by Plaintiff Asher Bronston (“Plaintiff”) in this matter in its entirety and with prejudice pursuant to Fed. R. Civ. P. 12(b)(1) and/or (6). As grounds for this Motion, and as discussed in detail in the accompanying supporting Brief, Plaintiff lacks Article III standing to bring a claim against Viasat, and otherwise fails to state a claim for relief against Viasat or to plead sufficient plausible facts supporting one, in accordance with federal pleading standards and applicable law, under the Telephone Consumer Protection Act (“TCPA”). This is because, *inter alia*, (1) extrinsic evidence shows Plaintiff did not suffer an “injury in fact” that is “fairly traceable” to Viasat’s conduct, and (2) Plaintiff fails to plausibly allege a theory of liability under the TCPA against Viasat.

The specific legal and factual bases for this Motion are set forth in the accompanying Brief, which is incorporated herein by reference as if fully stated, any materials and other evidence submitted in support (including the attached declarations and exhibits), and any other briefs, materials and argument provided to the Court prior to its ruling thereon. All unpublished cases cited in the brief have also been included herewith, in accordance with Local Rules.

WHEREFORE, for these reasons, Plaintiff's First Amended Class Action Complaint (Dkt. 21) should be dismissed with prejudice.

Dated: August 29, 2025

Respectfully submitted,

By: /s/ A. Paul Heeringa

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Counsel for Defendant Viasat, Inc.

LOCAL RULE 7.1 CERTIFICATE

The undersigned hereby certifies that Defendant's counsel conferred with Plaintiff's counsel on the foregoing Motion on August 26, 2025, and Plaintiff's counsel indicated in writing that Plaintiff does not concur with the relief sought herein.

Dated: August 29, 2025

/s/ A. Paul Heeringa
A. PAUL HEERINGA

CERTIFICATE OF SERVICE

The undersigned hereby certifies that I am causing the foregoing to be filed electronically with the Court, where it is available for viewing and downloading from the Court's ECF system, and that such electronic filing automatically generates a Notice of Electronic Filing constituting service of the filed document upon all counsel of record.

Dated: August 29, 2025

/s/ A. Paul Heeringa
A. PAUL HEERINGA